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July 20, 2000

WRITER'S DIRECT NUMBER:
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Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/557,907; Filed: April 21, 2000
For: Treatment of Cancer Using Cytokine-Expressing
Polynucleotides and Compositions Therefor
Inventors: Horton *et al.*
Our Ref: 1530.0060004/EKS/EJH

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Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. Listing of the cited documents on Form PTO-1449 (38 sheets);
3. A copy of documents AP3, AT2, AS5, AS7, AT7, AR8, AS13, AR14, AR16, AR17, AT18, AS19, AS20, AR21, AS21, AT21, AR22, AS22, AS23, AS25, AR27, AS29, AS32, AR34, AS34, AR35, and AT35 on Form PTO-1449; and
4. PTO Return Receipt Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
July 20, 2000
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Elizabeth J. Haanes". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Haanes" clearly distinguishable.

Elizabeth J. Haanes, Ph.D.
Agent for Applicants
Registration No. 42,613

EJH/pcd
Enclosures



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p.2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Horton *et al.*

Appl. No. 09/557,907

Filed: April 21, 2000

For: **Treatment of Cancer Using
Cytokine-Expressing
Polynucleotides and Compositions
Thereof**

Art Unit: 1614

Examiner: To Be Assigned

Atty. Docket: 1530.0060004/EKS/EJH

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of the documents AP3, AT2, AS5, AS7, AT7, AR8, AS13, AR14, AR16, AR17, AT18, AS19, AS20, AR21, AS21, AT21, AR22, AS22, AS23, AS25, AR27, AS29, AS32, AR34, AS34, AR35, and AT35 is provided. The remaining documents were previously cited or copies were submitted in Applicants' 35 U.S.C. § 120 priority Application No. 09/196,313, filed November 20, 1998.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Document AM3 (WO 97/00241) is in a foreign language. An English language abstract of this document is present on the face page of the document. Document AM3 appears to show cationic amphiphiles which can be used to transfect nucleic acids into cells.

Document AT16 (Kataoka, *et al.*) is in a foreign language. An English language abstract of this document is present on the last page of the document. Document AT16 appears to show the distribution of metastases in patients with ovarian cancer.

Document AL1 (EP 0 170 204) is in a foreign language. An English equivalent can be found in Document AR38. Document AL1 appears to disclose the complete nucleotide sequence of an Interferon polynucleotide as well as the sequence of three pseudogenes.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed within three months of the U.S. filing date or before the mailing date of the first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes
Agent for Applicants
Registration No. 42,613

Date: July 20, 2000

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